

Wetlands Bureau Decision Report

Decisions Taken
02/16/2015 to 02/22/2015

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

Any party aggrieved by a decision may file an appeal within 30 days of the date of this decision as specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Wetlands Council, Env-WtC 100-200.

The appeal must be filed directly with the Council, c/o the Council Appeals Clerk, who may be contacted at (603) 271-6072 or at appeals@des.nh.gov. The notice of appeal must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the council.

MINOR IMPACT PROJECT

2014-00160 THE POINTE AT RIVERFRONT
MANCHESTER Merrimack River

Requested Action:

Install a 6 ft. x 34 ft. seasonal dock and a 6 ft. x 30 ft. seasonal dock connected by a 6 ft. x 18 ft. seasonal walkway in a "U" shaped configuration, accessed by a 4 ft. x 15 ft. walkway, with 3 anchor piles on the shore, install 4 ft. x 15 ft. stairs in the bank, on an average of 1381 feet of shoreline frontage, Merrimack River, Manchester.

Conservation Commission/Staff Comments:

1/17/2014 Because the sensitive environmental resources near the site, the Con. Com. will be conducting further investigation. See letter in file for details.

1/29/2014 Per DHR, Additional information is needed in order to complete review. Comments: Area may be sensitive for archeological resources.

Inspection Date: 12/05/2014 by Dale R Keirstead

APPROVE PERMIT:

Install a 6 ft. x 34 ft. seasonal dock and a 6 ft. x 30 ft. seasonal dock connected by a 6 ft. x 18 ft. seasonal walkway in a "U" shaped configuration, accessed by a 4 ft. x 15 ft. walkway, with 3 anchor piles on the shore, install 4 ft. x 15 ft. stairs in the bank, on an average of 1381 feet of shoreline frontage, Merrimack River, Manchester.

With Conditions:

1. All work shall be in accordance with plans by TFM Civil Engineers as revised through May 22, 2014, and as received by the NH Department of Environmental Services (DES) on June 13, 2014.
2. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The applicant is required to contact NH Department of Historical Resources prior to the installation of the docking structures to ensure the project complies with NH DHR requirements.
4. The applicant is required to obtain approval from Public Service of New Hampshire and submit a copy of the approval to DES prior to the installation of the docking structures.
5. These shall be the only docking structures on this water frontage and all portions of the structures shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines over the water.
6. Restoration subject to DES compliance file number 2013-02600 shall be performed in accordance with the Restoration Plan Approval dated February 23, 2015.
7. The docking structures are approved for seasonal use only and they shall be removed from the water for the non-boating season.
8. No portion of the docks shall extend more than 48 ft. from the shoreline at normal high water elevation.
9. The stairs shall be located completely above and behind the normal high water mark.
10. There shall be no removal of trees from the frontage for the installation or maintenance of the docks or stairs.
11. This permit does not authorize the removal of submerged logs, debris, sediments or any other material for the installation, maintenance or use of the docks.
12. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minor project per Rule Env-Wt 303.02(d) Construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.

2. The applicant has an average of 1381 feet of shoreline frontage along the Merrimack River.
3. A maximum of 19 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The applicant has submitted information indicating the proposed dock location meets the criteria as stipulated in the Restated and Amended Declaration of Restrictive Covenants dated November 06, 2014.
6. The Department conducted a field inspection on December 05, 2014. The field inspection included the applicant's river frontage to include the proposed location and the location indicated in the easement. During the field inspection it was determined the proposed northerly location has a lesser sloped bank and therefore would result in less bank impacts for accessing and securing a docking structure. The southerly location has a much steeper and higher bank and therefore would require greater bank impacts for accessing and securing a docking structure. A dock could be installed in either location.
7. The Department held a public hearing on January 23, 2015, at the DES offices in Concord. There was one member of the public in attendance who spoke in opposition to the application and the remainder of the attendees spoke in favor of the application. DES received 7 emails from those who could not attend the public hearing. Six e-mails supported the application and one e-mail opposed the application.
8. The applicant submitted plans pursuant to Env-Wt 402.03, Dimensions, including depth contours to support the request for the proposed docking structures to extend 48 feet from the high water mark.
9. The proposed docking structures will not create a navigational hazard.
10. On December 19, 2014, the Department received a letter from State of NH Representative Jane Beaulieu. This letter indicates that the applicant did not adhere to the City of Manchester requirements for filing a State of NH wetlands application. The application as received by the Department was submitted in accordance with RSA 482-A, and meets all the requirements of RSA 482-A for submittal.
11. A report by NH Springs Environmental Consulting LLC submitted during the public hearing indicated that the proposed northern location of the docks may be affected by sediment, however no supporting documentation, such as sediment transport analysis, was submitted to support this claim.
12. The City of Manchester Conservation Commission requested a 40 day hold on the application on January 17, 2014. Information received by the Department on January 23, 2015 from the Conservation Commission included minutes from their meeting held on January 08, 2014. These minutes did not include any comments or recommendations from the Conservation Commission other than the above mentioned 40 day hold. No subsequent comments from the Conservation Commission have been received by the Department.

2014-02251 KEENE, CITY OF
KEENE Beaver Brook

Requested Action:

Dredge and fill 390 sq. ft. of stream bank and bed (includes 125 sq. ft. forested wetlands) for reconstruction/upgrades of approximately 3,200 linear feet of existing stormwater drainage along Washington Street and Giffin Street. Work in jurisdiction includes outlet upgrades, outlet protection, headwall repairs and new stormwater outlet and outlet protection.

Conservation Commission/Staff Comments:

1. The department did not receive any comments from the Keene Conservation Commission.

APPROVE PERMIT:

Proposal to dredge and fill 390 sq. ft. of stream bank and bed (includes 125 sq. ft. forested wetlands) for reconstruction/upgrades of approximately 3,200 linear feet of existing stormwater drainage along Washington Street and Giffin Street. Work in jurisdiction includes outlet upgrades, outlet protection, headwall repairs and new stormwater outlet and outlet protection.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers dated June 20, 2014 and narratives, as received by the NH Department of Environmental Services (DES) on August 15, 2014 and Giffin Street Drainage Outlet Profile plan dated 11/4/14 and plan sheet 52 of 52 dated June 20, 2014, as received by DES on December 3, 2014.

2. The City of Keene shall obtain easements or written permission from any affected landowners (with work in jurisdiction on their property or with 20 feet of the property line) and shall supply copies to DES Wetlands File No. 2014-02251 prior to construction.
3. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain in place until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a further permitting by the Bureau.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The department's Alteration of Terrain Bureau reviewed the project and determined that an Alteration of Terrain Permit is not required for the project as proposed.
6. The project includes the addition/upgraded, drainage pipes, deep sump catch basins, two rain gardens and stabilization of stormwater outlets.
7. The New Hampshire Fish and Game Department (NHFGD) reviewed the proposed impacts at the Beaver Brook/Giffin Road stormwater outlet. The NHFGD indicated they approve of the proposed design.
8. The department received comments from an abutter/landowner concerned with potential changes to the proposed outlet design (as submitted) located off of Washington Street(Tax Map/lot 012-02-013) that would facilitate access for a proposed home on the adjacent lot (Tax Map/lot 012-02-005).
9. The applicant's agent indicated they may apply for an amendment in the future but would be moving forward with the currently proposed design.
10. **The applicant provided the signed agreement from the landowner for the currently submitted/approved design.**
11. Any changes to the approved design (in jurisdiction) on the landowners property or within 20 feet would require further approval by the department and an updated agreement from the landowner.
12. DES has not received any other abutter or public comments in objection to the proposed project.

**2014-03148 NH DEPT OF TRANSPORTATION
PINKHAMS GRANT Tributary To Peabody River**

Requested Action:

Install drop inlets, 12 in. slope drains and stone aprons at four locations impacting 340 sq. ft. (210 sq. ft. temporary) of riverine wetlands along approximately 11 miles of Rte. 16.

Conservation Commission/Staff Comments:

Cons. Commissions - no comments

APPROVE PERMIT:

Install drop inlets, 12 in. slope drains and stone aprons at four locations impacting 340 sq. ft. (210 sq. ft. temporary) of riverine wetlands along approximately 11 miles of Rte. 16. NHDOT project #13857-A

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 10/23/2014 as received by the Department on Nov. 6, 2014.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Work shall be done during low flow.
12. The applicant will follow the recommendations provided by the Natural Heritage Bureau on 10/7/2014.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(I), alteration of less than 200 linear feet of bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will reduce erosion into the riverine wetlands.
6. The applicant will follow the recommendations provided by the Natural Heritage Bureau on 10/7/2014.

**2014-03297 NH DEPT OF TRANSPORTATION
FRANKLIN Merrimack River**

Requested Action:

Upgrade and widen intersection of Industrial Park Drive and US Route 3 by adding a turn lane impacting 3,194 s. ft. 469 sq. ft. temporary) of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

River Ad. Comm. -notes lack of stormwater calculations and plan details along with concerns with the Rail Trail, water treatment and maintenance schedule

APPROVE PERMIT:

Upgrade and widen intersection of Industrial Park Drive and US Route 3 by adding a turn lane impacting 3,194 s. ft. 469 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project #13928A

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 10/2014 as received by the Department on Nov. 20, 2014.
2. Any dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Work shall be done during low flow.
13. Should invasive species be encountered during construction, the contractor will follow the appropriate procedures outlined in NHDOT's Best Management Practices for Roadside Invasive Plants, dated 2008 to ensure proper handling and disposal.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(I), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. On Oct. 15, 2014, the applicant presented the project at the monthly Natural Resource Agency meeting and there were no concerns noted.
6. The letter from the Natural Heritage Bureau indicates that although there was a record noted it is not expected to be impacted.

7. On Dec. 16, 2014 the DES received a letter from the Upper Merrimack River Local Advisory Committee sent a letter noting the lack of drainage details noting concerns with water treatment and impacts to the rail trail.
8. On Dec 19 2014 the DES received a response from the NHDOT that drainage is designed using standard practices and specifications, that maintenance is considered during design, any impacts to the rail trail is temporary and as this is a linear project with limited area the runoff will be directed to replicate the existing conditions as much as possible.

**2014-03438 SIMONE, JOANNE/MICHAEL
HAMPTON Tidal Marsh**

Requested Action:

Impact 700 sq. ft. (approx. 8 ft. x 87.29 linear feet) in the previously developed upland tidal buffer zone for work associated with the construction of a stone rip rap revetment, underlain by filter fabric, to stabilize an eroding shoreline adjacent to a salt marsh.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission does not oppose the granting of this permit.

Inspection Date: 12/19/2014 by Frank D Richardson

APPROVE PERMIT:

Impact 700 sq. ft. (approx. 8 ft. x 87.29 linear feet) in the previously developed upland tidal buffer zone for work associated with the construction of a stone rip rap revetment, underlain by filter fabric, to stabilize an eroding shoreline adjacent to a salt marsh.

With Conditions:

1. All work shall be in accordance with plans by E.J. Cote & Associates, Inc. dated November 24, 2014, as received by the NH Department of Environmental Services (DES) on December 08, 2014.
2. NH DES Wetlands Bureau Southeast Region staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. There shall be no further alteration of areas in NH DES Wetlands jurisdiction for lot development, driveways, or for other construction activities.
4. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No construction equipment, with or without mats, shall enter the adjacent salt marsh to perform work on the project during the growing season.
7. If construction equipment is required to be on the salt marsh, for even the shortest duration, mats and other low ground pressure equipment must be utilized and work can be done ONLY under frozen conditions in winter.
8. If having construction equipment on the salt marsh under frozen conditions is unavoidable, access to the marsh must only be from the permittee's property and operation must not extend beyond the property lines.
9. The permittee will be responsible for any impact to the salt marsh which may occur during construction and complete restoration will be required until the area is restored to pre-construction conditions.
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to work in or adjacent to the tidal wetlands.
11. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. Refueling of equipment shall not occur within 50 feet of the highest observable tide line.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on December 19, 2014. Field inspection determined the project is reasonable but must be constructed without having equipment on the adjacent salt marsh unless utilizing mats and then only under frozen conditions in winter.

2014-03537 WINCHESTER KEY LTD PARTNERSHIP
KEENE Ashuelot River

Requested Action:

Dredge and fill 1,295 sq. ft. (includes 190 lin. ft. of impact) of perennial stream bed and bank for construction of a commercial driveway access and flood storage creation area. Work includes installation of a 54 in. x 40 ft. RCP, inlet/outlet protection, associated filling, headwalls, outlet protection and bank grading.

Conservation Commission/Staff Comments:

1. Conservation Commission signed application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 1,295 sq. ft. (includes 190 lin. ft. of impact) of perennial stream bed and bank for construction of a commercial driveway access and flood storage creation area. Work includes installation of a 54 in. x 40 ft. RCP, inlet/outlet protection, associated filling, headwalls, outlet protection and bank grading.

With Conditions:

1. All work shall be in accordance with plans by CHA, dated 11/14/14, as received by the DES on December 22, 2014.
2. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
3. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain in place until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired

prior to construction.

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
13. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts have been demonstrated by the applicant per Env-Wt 302.01.
3. The approved access and flood storage is needed for redevelopment of an existing commercial property.
4. The proposed stream crossing is within the 100-year floodplain.
5. The applicant's agent has indicated that the overall project will result in a net increase in storage volume within the floodplain.
6. The agent has requested that the stream crossing is categorized as a Tier one.
7. Due to the increased flood storage the stream crossing was categorized as a Tier one stream crossing per 904.02(a).
8. The project includes new stormwater treatment.
9. The Ashuelot River Local Advisory Committee noted that they were pleased with the enhanced treatment of stormwater quality and the additional number of plantings and had no further comments.
10. The department determined that the project is not located within a 1/4 mile of a designated river "Ashuelot River".
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

MINIMUM IMPACT PROJECT

2014-02115 MILFORD, TOWN OF
MILFORD Souhegan River

Requested Action:

Temporarily impact a total of 9,618 sq. ft. to the vegetated embankments and bed of the Souhegan River for work associated with the removal of the highly deteriorated Jones Crossing Bridge (NHDOT Bridge No. 062/138) High Pratt steel truss superstructure. The substructure of mortared masonry stone abutments to remain in place and left intact.

APPROVE PERMIT:

Temporarily impact a total of 9,618 sq. ft. to the vegetated embankments and bed of the Souhegan River for work associated with the removal of the highly deteriorated Jones Crossing Bridge (NHDOT Bridge No. 062/138) High Pratt steel truss superstructure. The substructure of mortared masonry stone abutments to remain in place and left intact. per plans received on 08/14/2014.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc. dated August 2014, as received by the NH Department of Environmental Services (DES) on February 11, 2015.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.

3. DES Wetlands Bureau Southeast Region staff and the Milford Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. All areas of the river bed and vegetated embankments shall be restored upon completion of the project.
7. The project shall be documented with a photo log and descriptive narrative compiled throughout the duration of the project including the final restoration of the river bed and vegetated embankments & environs. Copies of which shall be submitted to the DES Wetlands Bureau, the NH Fish & Game Department, the NH Department of Historic Resources, the Milford Conservation Commission and the Souhegan River Local Advisory Committee.
8. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
9. Faulty equipment shall be repaired prior to entering jurisdictional areas.
10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has coordinated this project with the NH Fish & Game Department and the NH Department of Historic Resources.
6. The Town of Milford requested and received Emergency Authorization Verification #2014-02115 on August 21, 2014. This permit supersedes that EAV.

2014-03463 ROCKY LEDGE SHORES CONDOMINIUMS
LACONIA Lake Winnepesaukee

Requested Action:

Permanently remove 355 sq. ft. of docking structure and access ramp over public submerged lands, install a 6 ft. x 16 ft. 3 in. walkway and a 6 ft. x 21 ft. 3 in. walkway each providing access to one of the two existing major docking structures on an average of 439 ft. of frontage along Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 07, 2015

APPROVE PERMIT:

Permanently remove 355 sq. ft. of docking structure and access ramp over public submerged lands, install a 6 ft. x 16 ft. 3 in. walkway and a 6 ft. x 21 ft. 3 in. walkway each providing access to one of the two existing major docking structures on an average of 439 ft. of frontage along Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Company revision dated January 20, 2015, as received by the NH Department of Environmental Services (DES) on January 21, 2015.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. This permit to modify existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain in place until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. The section of dock to be removed shall be completely removed prior to the installation of the two new access walkways.
9. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is deemed to be a minimum impact project per Rule Env-Wt 303.04(o).
2. The applicant has an average of 439 feet of frontage along Lake Winnepesaukee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing and proposed docking facility will provide 24 slips as defined per RSA 482-A:2, VIII.
5. The proposed modifications will provide any new slips within the docking structures on this frontage.
6. The proposed modifications will reduce the construction surface area over public waters.

FORESTRY NOTIFICATION

2015-00256 RICHARD N BRAGDON FAMILY TRUST
AMHERST Unnamed Stream

COMPLETE NOTIFICATION:
Amherst, Tax Map #8, Lot #52

2015-00364 BLAKE, DEBORAH
MEREDITH Unnamed Wetland

Requested Action:
Meredith, Tax Map R22, Lot #'s: 11A, 11B, 11C

2015-00368 HARKINSON, DANIEL
DOVER Unnamed Stream

COMPLETE NOTIFICATION:
Dover, Tax Map #B005-000000

2015-00372 DUFALT, A DAVID
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton, Tax Map #228, Lot #36 & 46

2015-00381 FURLONG, IRA
DORCHESTER Unnamed Wetland

Requested Action:
Dorchester, Tax map 14, Lots 780, 780.1

2015-00389 DURHAM, TOWN OF
DURHAM Unnamed Wetland

Requested Action:
Durham, Tax Map 12, Lot 8-1

2015-00391 KEEN, STEPHEN
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton, Tax Map #44, Lot #3

EXPEDITED MINIMUM

2014-03530 SAVAGE, JANET
WHITEFIELD Unnamed Wetland

Requested Action:
Dredge and fill 481 square feet of wetland for the construction of a driveway to a proposed single family residence. Work in jurisdiction includes the installation of an 18" by 30' culvert.

APPROVE PERMIT:
Dredge and fill 481 square feet of wetland for the construction of a driveway to a proposed single family residence. Work in jurisdiction includes the installation of an 18" by 30' culvert.

With Conditions:

1. All work shall be done in accordance with plans received by DES on January 30, 2015.
2. Work shall be done during periods of non-flow.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. The culvert shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
7. The applicant has requested a waiver to the requirement that the department shall limit the location of a project to at least 20 feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's as required by Env-Wt 304.04 (a).
8. The applicant has attempted to get permission from the abutting property owners. Correspondence was sent to the owner of Town of Whitefield tax map 226-043 on November 17, 2014. No response was received from the owner of Town of Whitefield tax map 226-043.
9. No comments have been received by the department.
10. The proposed project will upgrade an existing access way by adding a culvert.
11. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2015-00116

BILIK, JOSEPH

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Proposal to dredge and fill 583 sq. ft. of forested wetlands for construction of a new driveway to an existing home. Work in wetlands consists of construction of a driveway crossing by filling and grading the wetland area.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 583 sq. ft. of forested wetlands for construction of a new driveway to an existing home. Work in wetlands consists of installation of a 12 in. x 18 ft. culvert, associated grading filing and culvert headwalls.

With Conditions:

1. All work shall be in accordance with plans by Advanced Land Surveying Consultants revision date of 2-18-15, as received by the NH Department of Environmental Services (DES) on February 18, 2015.
2. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant does not have written easements to use the existing shared driveway.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2015-00123

MAYER, ANN/ROBERT

GREENLAND Great Bay

Requested Action:

Temporarily impact 110 sq. ft. within the previously developed upland tidal buffer zone to replace a septic tank as part of a septic system upgrade on this single family house-lot.

Conservation Commission/Staff Comments:

2/04/15 - No historic properties affected per DHR.

APPROVE PERMIT:

Temporarily impact 110 sq. ft. within the previously developed upland tidal buffer zone to replace a septic tank as part of a septic system upgrade on this single family house-lot.

With Conditions:

1. All work shall be in accordance with plans by Faretra Septic Design, LLC dated Jan. 7, 2015, as received by the NH Department of Environmental Services (DES) on January 20, 2015.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), Projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2015-00178 HELTON, DUANE
NORTHWOOD Unnamed Wetland

Requested Action:

Impact a total of 2,719 square feet of forested wetlands to construct a residential driveway consisting of 834 square feet of impact and installation of a 12" x 20' culvert, and 1,885 square feet of impact and installation of twin 15" x 20' culverts.

Conservation Commission/Staff Comments:

As per DHR No Historic Properties Affected.

APPROVE PERMIT:

Impact a total of 2,719 square feet of forested wetlands to construct a residential driveway consisting of 834 square feet of impact and installation of a 12" x 20' culvert, and 1,885 square feet of impact and installation of twin 15" x 20' culverts.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated 12/16/2014, as received by the NH Department of Environmental Services (DES) on 1/23/2015.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing historic entrance to the lot will not meet NHDOT approval for construction of a new dwelling's driveway.
 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The plan makes use of an existing logging road.
 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- The NH Natural Heritage Bureau reported that although there is a listed species in the vicinity, it is not expected to be impacted by the project.

TRAILS NOTIFICATION

2015-00356 WHITE MOUNTAIN NATIONAL FOREST
ALBANY Twin Brook

COMPLETE NOTIFICATION:
Albany Tax Map 40

LAKES-SEASONAL DOCK NOTIF

2015-00371 FELDER, W ROBERT
BRIDGEWATER Newfound Lake

Requested Action:
Installation of a seasonal docking structure.

COMPLETE NOTIFICATION:
Installation of a seasonal docking structure.

PERMIT BY NOTIFICATION

2015-00247 HOLLENBECK, WILLIAM
ALTON Lake Winnepesaukee

Requested Action:

Maintenance, repair, and replacement in-kind of existing docking structures, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated January 19, 2015.

PBN IS COMPLETE:

Maintenance, repair, and replacement in-kind of existing docking structures, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated January 19, 2015.

2015-00255 WESSON, DAVID & GAIL
GILFORD Lake Winnepesaukee

Requested Action:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated January 25, 2015.

PBN IS COMPLETE:

Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, provided no change in location, configuration, construction type, or dimensions is proposed in accordance with plans dated January 25, 2015.

CSPA PERMIT

2014-00117 THE POINTE AT RIVERFRONT
MANCHESTER Merrimack River

Requested Action:

Impact 235 sq. ft. to install impervious walkway and permanent anchors for a seasonal dock.

APPROVE PERMIT:

Impact 235 sq. ft. to install impervious walkway and permanent anchors for a seasonal dock.

With Conditions:

1. All work shall be in accordance with plans by TF Moran Civil Engineers revision dated January 10, 2014, as received by the NH Department of Environmental Services (DES) on January 14, 2014.
2. The pathway to the dock shall be constructed of a pervious surface that is designed, installed and maintained to effectively absorb and infiltrate stormwater.

3. No more than 46% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit does not allow the removal of trees or vegetation other than the immediate impact areas.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All activities shall be in accordance with the Shoreland Water Quality Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2014-00969

TRAHAN, BARBARA LEE/SCOTT

BELMONT Winnisquam Lake

Requested Action:

Amendment Description: Revised submitted February 17, 2015 in order to revise pervious pavers with stone and change the deck to 8ft x 23ft instead of 5ft x 23ft.

APPROVE AMENDMENT:

Impact 3,858 sq. ft. in order to replace existing structure, add an 8ft x 23ft deck and 24ft x 16ft garage, and expand the driveway using pervious surface material.

With Conditions:

1. All work shall be in accordance with plans by Bryan L. Bailey Associates, Inc. dated March 30, 2014 and received by the NH Department of Environmental Services (DES) on April 25, 2014.
2. No more than 29% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2015-00237

REDDY, MICHAEL

SUNAPEE Sunapee Lake

Requested Action:

Impact 1,664.50 sq. ft. to build a 26 ft. x 18 ft. addition onto the existing house, install a 24 ft. x 24 ft. pervious parking area and build a pervious walkway and drainage system.

DENY PERMIT:

Impact 1,664.50 sq. ft. to build a 26 ft. x 18 ft. addition onto the existing house, install a 24 ft. x 24 ft. pervious parking area and build a pervious walkway and drainage system.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, (I), state and local permits for work within the protected shorelands shall be issued only when consistent with the policies of RSA 483-B.
2. Pursuant to RSA 483-B:9, V, (a), (1), "Waterfront Buffer" means the protected shoreland within 50 feet of the reference line.
3. Pursuant to RSA 483-B:9, Minimum Shoreland Protection Standards, V, (a) Maintenance of a Waterfront Buffer, (2), (D), the waterfront buffer on any given lot shall be divided into segments and owners of land within the waterfront buffer shall maintain sufficient trees and saplings to meet an established minimum point score in each segment. Segments shall be laid out by starting from the northerly or easterly boundary of the property, and working along the shoreline, dividing the waterfront buffer into 50 by 50 foot segments.
4. Pursuant to RSA 483-B:4, XXIV-b. "Unaltered area" means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for renewal or to maintain or improve plant health.
5. Pursuant to RSA 483-B:4, VII-b, "Impervious surface" means any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.
6. Pursuant to RSA 483-B:9, Minimum Shoreland Protection Standards, V, (g), Impervious Surfaces, no more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces, unless a stormwater management system designed and certified by a professional engineer is implemented and any waterfront buffer segment that does not meet the point score requirement of RSA 483-B:9, V(a)(2)(D) shall be planted, as determined by rule of the department, with trees, saplings, shrubs, or groundcover in sufficient quantity, type, and location either to meet the minimum score or to provide at least an equivalent level of protection as provided by the minimum score and shall be maintained in accordance with RSA 483-B:9, V(a). The stormwater management system design shall demonstrate that the post-development volume and peak flow rate based on the 10-year, 24-hour storm event, shall not exceed the pre-development volume and peak flow rate for flow off the property within the protected shoreland.
7. Pursuant to Rule Env-Wq 1405.03, Limitations on Accessory Structures within the Waterfront Buffer, (c), (1), accessory structures shall be no larger than 1.5 sq. ft. per linear foot of shoreline.
8. Pursuant to Rule Env-Wq 1405.04, Setback for Accessory Structures, all accessory structures built after 1996 shall be set back at least 20 feet from the water.
9. Pursuant to Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications, the plans shall show the existing conditions on the property, all proposed work, and all temporary impacts within 250 feet of the reference line.
10. Pursuant to Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications, (e), plans shall show the reference line, the primary building line, the natural woodland buffer, and the protected shoreland as those terms are defined in RSA 483-B:4 for the entire property.
11. Pursuant to Rule Env-Wq 1406.09, Plans to be Submitted with All Shoreland Permit Applications, (g), plans shall show the dimensions and locations of all existing and proposed structures, impervious areas, disturbed areas, areas to remain in an unaltered state, and all other relevant features necessary to clearly define both existing conditions and the proposed project.

Findings of Fact

1. On January 29, 2015, the Department of Environmental Services received a Shoreland Permit Application for impacts associated with a proposed addition to an existing nonconforming primary structure, installation of a pervious parking area and a pervious paver walkway from the parking area to the waterfront on a parcel of land adjacent to Lake Sunapee identified as Lot 009 on Sunapee Tax Map 127.
2. The Shoreland Application Worksheet submitted with the application states that there is currently 1,518 sq. ft. of impervious surface area on the lot, that the post-construction impervious surface area will be 1,986 sq. ft., and that the area of the lot within the

protected shoreland is 6,785.6 sq. ft. Based upon these numbers the percentage of the lot covered by impervious surfaces is approximately 22% at this time and that percentage will increase to approximately 29% post-construction.

3. Review of the calculation of existing impervious surface area confirmed the value for this area stated on the Shoreland Application Worksheet.
4. Review of the area of the lot within the protected shoreland found that the metes and bounds listed in the deed would only enclose an area of 5,000 sq. ft., a copy of the Town of Sunapee tax card for the property states that the area of the property is 6,098 sq. ft., and calculation of the area of the property based upon the plans submitted with the application resulted in a value of approximately 6,300 sq. ft.
5. Based upon the information in the deed the post-construction impervious surfaces will cover 39.7 % of the lot within the protected shoreland.
6. Based upon the data on the Town of Sunapee tax card for the property the post-construction impervious surfaces will cover 32.6 % of the lot within the protected shoreland.
7. Based upon the plans submitted with the application the post-construction impervious surfaces will cover 31.5 % of the lot within the protected shoreland.
8. The application submitted did not include a stormwater management plan designed by a professional engineer, nor did it include a proposal to restore the vegetation in deficient segments of the waterfront buffer to meet at least the minimum point score or a functional equivalent level of protection.
9. The materials submitted with the application state that there is no area between 50 ft. and 150 ft. from the reference line on the lot within which vegetation remains in an unaltered state.
10. Photos taken on December 16, 2014, and submitted with the application, clearly indicate there is native vegetation growing without cutting, limbing, trimming, pruning, mowing, or other similar activities except as needed for renewal or to maintain or improve plant health contrary to the statements that there are no areas of unaltered vegetation on the lot.
11. The project includes the construction of a pervious parking area. The ground on which the parking area would be constructed is 5 ft. in elevation lower at one end than at the other. The plans and application materials provide no details pertaining to how the grade for the parking area will be leveled, such as a fill toe of slope or the construction of a retaining wall to contain the necessary fill.
12. The property only has sufficient frontage to support 50 sq. ft. of accessory structure footprint within the waterfront buffer per Rule Env-Wq 1405.03.
13. The area of accessory structure located within the waterfront buffer already exceeds 50 sq. ft.

Rulings in Support of the Decision

1. The Applicant has failed to identify the natural woodland buffer and areas of unaltered vegetation on the plans as required per Rule Env-Wq 1406.09, (e).
2. The project includes the construction of accessory structures which would further exceed the accessory structure size limitations of to Rule Env-Wq 1405.03 as well as the setback requirements of Rule Env-Wq 1405.04 and as such is inconsistent with the policies of RSA 483-B. Therefore pursuant to RSA 483-B:3, (I), a permit shall not be issued.
3. The Applicant has failed to show the dimensions and locations of all areas to remain in an unaltered state, all other relevant features necessary to clearly define both existing conditions and the proposed project, and the natural woodland buffer has required per Rule Env-Wq 1406.09, (e) and (g).
4. The available documentation and evidence indicates that both the total area of the lot within the protected shoreland and the proposed impervious surface area as stated on the Shoreland Application Worksheet are incorrect. This project will result in an increase in impervious surface and the percent coverage of the lot will exceed 30 %. The Applicant has failed to provide a stormwater management system designed and certified by a professional engineer and plans for the restoration of the vegetation in deficient segments of the waterfront buffer to meet at least the minimum point score or a functional equivalent level of protection as required pursuant to RSA 483-B:9, V, (g), Therefore pursuant to RSA 483-B:3, (I), a permit shall not be issued.

2015-00238

CLARIDGE CONSTRUCTION LLC

BELMONT Winnisquam Lake

Requested Action:

Impact 18,631 sq ft in order to construct a single family residence with farmers porch, deck and attached garage.

APPROVE PERMIT:

Impact 18,631 sq ft in order to construct a single family residence with farmers porch, deck and attached garage.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated January 19, 2015 and received by the NH Department of Environmental Services (DES) on January 29, 2015.
2. No more than 19.87% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2015-00240

DORSET INVESTMENTS LLC

NORTH HAMPTON Little River

Requested Action:

Impact 11,800 sq ft in order to construct a four bedroom residential home with a portion of a driveway, and 520 sq ft patio in a previously mowed agricultural field.

APPROVE PERMIT:

Impact 11,800 sq ft in order to construct a four bedroom residential home with a portion of a driveway, and 520 sq ft patio in a previously mowed agricultural field.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated December 27, 2014 and received by the NH Department of Environmental Services (DES) on January 29, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 3.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 11,633 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2015-00241 AMOSKEAG REALTY LLC
CONCORD Upper Merrimack River

Requested Action:

Impact 875 sq ft in order to provide a water fire service connection from the municipal water main on Hall Street, across subject property, and servicing the building located in Bow.

Conservation Commission/Staff Comments:

LAC letter dated 2/18/15 made recommendations. See the letter in the file.

APPROVE PERMIT:

Impact 875 sq ft in order to provide a water fire service connection from the municipal water main on Hall Street, across subject property, and servicing the building located in Bow.

With Conditions:

1. All work shall be in accordance with plans by Keach-Norstrom Associates, Inc. dated December 29, 2014 and received by the NH Department of Environmental Services (DES) on January, 29, 2015.
2. This permit is contingent on approval by the DES Alteration of Terrain and Wetlands Bureau.
3. No more than 19.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 389 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2015-00242 CIKACZ, MICHAEL
GILFORD Lake Winnepesaukee

Requested Action:

Impact 126 sq ft in order to raise a roof line of the primary structure, add a balcony, convert walkway surface to porous, and relocate downward spouts on an existing boathouse.

APPROVE PERMIT:

Impact 126 sq ft in order to raise a roof line of the primary structure, add a balcony, convert walkway surface to porous, and relocate downward spouts on an existing boathouse.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Associates, Inc. dated October 10, 2014 and received by the NH Department of Environmental Services (DES) on January 29, 2015.
2. No more than 35% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2015-00249 HAYES, RICHARD
SALEM Arlington Pond

Requested Action:

Impact 9,999 sq ft in order to raze existing home and construct a new single family dwelling, driveway, septic system, and other site improvements.

APPROVE PERMIT:

Impact 9,999 sq ft in order to raze existing home and construct a new single family dwelling, driveway, septic system, and other site improvements.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated December 31, 2014 and received by the NH Department of Environmental Services (DES) on January 30, 2015.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. At least 2,785 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The individual responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

